

SPECIAL CIVIL APPLICATION No 5751 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements? No.
2. To be referred to the Reporter or not? NO. :
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement? NO.
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge?No.:

KAIRAV RAMESHCHANDRA THROUGH GUARDIAN

Versus

STATE OF GUJARAT

Appearance:

MR GM AMIN for Petitioner
MR AD OZA for Respondent No. 1
Mr.B.Y.Mankad for Respondent No.2
Miss. Amita M Shah for respondent no.3.

CORAM : MR.JUSTICE M.R.CALLA
Date of decision: 13/08/1999

ORAL JUDGEMENT

The answer book of the petitioner has been shown by the Learned Counsel for the Board to the Learned Counsel for the petitioner. The client of Mr.Amin is also present in the Court at the time when the answer book is shown. The question No.1(C)(3)(ii) about which grievance was raised that the same has been left unassessed by the examiner is found to have been assessed in the answer book but the examiner has given only 0

marks. The Ld. Counsel for the petitioner submits that the answer is right and has been given in accordance with the key answer prepared by the Board.

2. This Court can't sit upon and is not in a position to verify the correctness of the answer. Once the question has been assessed merely because the examiner has given 0 marks, this Court can't sit in appeal over assessment made by the Examiner. Mr.Oza has submitted that the moderator also found the assessment of the examiner as 0 marks to be correct. This Court can't sit in appeal over the assessment of the examiner and the moderator. There is no merits in this Special Civil Application. The same is hereby dismissed. Rule is hereby discharged. No order as to costs.

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